

THE UNITED STATES PATENT AND TRADEMARK OFFICE

For: APPARATUS AND METHOD FOR PERFORMING PRESBYOPIA
CORRECTIVE SURGERY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants acknowledge with appreciation the confirmation of allowable subject matter via the Notice of Allowance having an issue fee due date of October 14, 2004 (to date, the issue fee has not been paid). This letter concerns the Information Disclosure Statement filed in the present patent application on September 4, 2001 (the filing date of this application). Applicants have not received a signed copy of this Information Disclosure Statement (Form 1499).

To facilitate the receipt of confirmation of review of the earlier cited documents before the issue fee due date of October 14, 2004, Applicants attach hereto a true copy of the PTO-1449 form and a copy of the corresponding U.S. PTO stamped postcard which indicates that the PTO-1449 form was submitted along with the corresponding Information Disclosure Statement. Applicants note that each of the references cited on the PTO-1449 was previously cited in the parent application (U.S. Appln. Ser. No. 09/186,884). Applicants respectfully request that either the original (or the enclosed replacement) PTO-1449 form be initialed by the Examiner,

confirming the earlier consideration of the listed documents, and that a copy of the initialed PTO-1449 form be forwarded to the undersigned for Applicants' file.

As the Issue Fee comes due on October 14, 2004, Applicants look forward to receipt of an initialed copy of the PTO-1449 form prior to that date.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP

By : 

Dennis C. Rodgers, Reg. No. 32,936
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August 10, 2004

Atty. Dkt. No.
32935RC497723



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Luis A. Ruiz

U.S. Serial No.: To Be Assigned

Group Art Unit: To Be Assigned

Filed: : September 4, 2001 (Herewith)

Examiner: To Be Assigned

For : APPARATUS AND METHOD FOR PERFORMING PRESBYOPIA CORRECTIVE :
SURGERY

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. 1.56, Applicant is enclosing an Information Disclosure Citation Form (PTO-1449) which consolidates the references made of record in the most recent parent U.S. Patent Application No. 09/186,884.

As each of the references cited in the enclosed PTO-1449 form was previously cited in the parent application of the above-identified application, a copy of the cited references is not enclosed in accordance with 37 C.F.R. §1.98(d). Applicant respectfully requests that these documents be considered by the Examiner in the above-identified patent application and that they be made officially of record therein. It is further requested that a listing of the same appear on the face of any patent which may issue from this application.

Attorney Docket No.32935RC497723
Serial No.: Unassigned

Applicants look forward to receipt of an initialized copy of the accompanying PTO-1449
form acknowledging receipt of the references cited therein.

Respectfully submitted,

SMITH, GAMBELL & RUSSELL, LLP

By: 

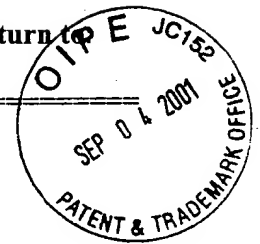
Dennis C. Rodgers, Reg. No. 32,936
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Date: September 4, 2001



Postcard receipt: Please apply mail room stamp and return to
SMITH, GAMBRELL & RUSSELL, L.L.P.

| | |
|--------------------|--|
| Attorney Dkt No. : | 32935RC497723 |
| Applicants : | Luis A. Ruiz |
| Serial. No. : | To Be Assigned |
| Filed : | September 4, 2001 |
| For: : | Apparatus and Method for Performing Presbyopia Correct |
| | Surgery |



List of attached document(s):

Continuation Patent Application Transmittal; Application consisting of 49 pages of text (including claims and Abstract) and 7 sheets of drawings; Formal Drawing Transmittal with 7 sheets of formal drawings; Copy of Declaration; Preliminary Amendment; Information Disclosure Statement and PTO Form 1449; and check for \$534.00

Dated: September 4, 2001

DCR/MKC:kms

12

ATTY. DOCKET NO.

SERIAL NO.

32935RC497723

To Be Assigned

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

APPLICANT

Luis Antonio RUIZ

FILING DATE

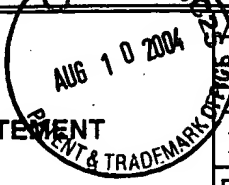
Herewith

GROUP

3739

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|-------------------|----|--------------------|-------|------------------|-------|----------|-------------------------------|
| | AA | 4,173,980 | 11/79 | CURTIN | | | |
| | AB | 4,660,556 | 4/87 | SWINGER, et al. | | | |
| | AC | 4,461,294 | 7/84 | BARON | | | |
| | AD | 4,662,370 | 5/87 | HOFFMANN, et al. | | | |
| | AE | 4,665,914 | 5/87 | TANNE | | | |
| | AF | 4,674,503 | 6/87 | PEYMAN, et al. | | | |
| | AG | 4,688,570 | 8/87 | KRAMER, et al. | | | |
| | AH | 4,705,035 | 11/87 | GIVENS | | | |
| | AI | 4,718,418 | 1/88 | L'ESPERANCE, JR. | | | |
| | AJ | 4,729,372 | 3/88 | L'ESPERANCE, JR. | | | |
| | AK | 4,770,172 | 9/88 | L'ESPERANCE, JR. | | | |
| | AL | 4,773,414 | 9/88 | L'ESPERANCE, JR. | | | |
| | AM | 4,798,204 | 1/89 | L'ESPERANCE, JR. | | | |
| | AN | 4,840,175 | 6/89 | PEYMAN | | | |
| | AO | 4,856,513 | 8/89 | MULLER | | | |
| | AP | 4,880,017 | 11/89 | SOLL | | | |
| | AQ | 4,903,695 | 2/90 | WARNER, et al. | | | |
| | AR | 4,907,586 | 3/90 | BILLE, et al. | | | |
| | AS | 4,988,348 | 1/91 | BILLE | | | |
| | AT | 5,009,660 | 4/91 | CLAPHAM | | | |
| | AU | 5,019,074 | 5/91 | MULLER | | | |
| | AV | 5,133,726 | 7/92 | RUIZ, et al. | | | |
| | AW | 5,152,759 | 10/92 | PAREL, et al. | | | |
| | AX | 5,163,934 | 11/92 | MUNNERLYN | | | |
| | AY | 5,246,435 | 9/93 | BILLE, et al. | | | |
| | AZ | 5,263,951 | 11/93 | SPEARS, et al. | | | |
| | BA | 5,314,422 | 5/94 | NIZZOLA | | | |
| | BB | 5,324,281 | 6/94 | MULLER | | | |
| | BC | 5,439,462 | 8/95 | BILLE, et al. | | | |

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|--|--|------------------------------------|------------------------------|
| FORM PTO-1449 |  | PATTY. DOCKET NO. 92935RC497723 | SERIAL NO. To Be Assigned |
| INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | | APPLICANT: Luis A. Ruiz | |
| | | FILING DATE Herewith | GROUP ART UNIT |

U.S. Patent Documents

| Examiner Initials | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE, IF APPROPRIATE |
|-------------------|----|-----------------|---------|----------------------|-------|-----------|-----------------------------|
| | AA | 5,207,668 | 5/4/93 | L'Esperance, Jr. | | | |
| | AB | 5,395,356 | 3/7/95 | King et al. | | | |
| | AC | 5,437,658 | 8/1/95 | Muller, et al. | | | |
| | AD | 5,533,997 | 7/9/96 | Ruiz | | | |
| | AE | 5,651,784 | 7/29/97 | Klopotek | | | |
| | AF | 4,941,093 | 7/10/90 | Marshall, et al. | | | |
| | AG | 5,865,830 | 2/2/99 | Parel, et al. | | | |
| | AH | 5,083,923 | 9/8/98 | Singh-Derewa, et al. | | | |
| | AI | 5,647,865 | 7/1997 | Swinger | | | |
| | AJ | 5,529,076 | 6/1996 | Schachar | | | |
| | AK | 5,803,923 | 3/1995 | Singh-Derewa et al. | | | |
| | AL | 5,806,530 | 9/1998 | Herrick | | | |

Foreign Patent Documents

| Examiner Initials | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-CLASS | TRANSLATION | |
|-------------------|----|-----------------|---------|---------|-------|-----------|-------------|----|
| | | | | | | | YES | NO |
| | AM | EP-A-346116 | 12/89 | EPO | | | x | |
| | AN | EP-A-402250 | 12/90 | EPO | | | x | |
| | AO | WO 94/01067 | 1/94 | WIPO | | | x | |
| | AP | 6-181944 | 7/6/94 | Japan | | | | |
| | AQ | 3-155491 | 7/3/91 | Japan | | | | |
| | AR | 3-94750 | 4/19/92 | Japan | | | | |
| | AS | 0 417 952 | 3/20/91 | EPO | | | | |

OTHER INFORMATION (Including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
|--|----|--|
| | AT | Lasers in Surgery and Medicine, Vol. 10, No. 5, 1 January 1990, pages 463-468, XP 000385912, PALLIKARIS: "Laser In-Situ Keratomileusis". |
| | AU | Steinway Instrument Co., The Steinway/Barraquer In-Situ Microkeratome Set, from the Steinway Instrument Co. of San Diego, California |
| | AV | Surgery for Hyperopia & Presbyopia, by Neal A. Sher, M.D., F.A.C.S., Williams & Wilkins, 1997 (entire book submitted) |

| | |
|---|-----------------|
| EXAMINER | DATE CONSIDERED |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |